

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

EDDIE LEE TUCKER,

Plaintiff,

v.

WARDEN JIMMY THOMAS, *et al.*,

Defendants.

Case No. 7:20-cv-00720-KOB-GMB

MEMORANDUM OPINION

Plaintiff Eddie Lee Tucker filed a *pro se* complaint and amended pursuant to 42 U.S.C. § 1983 alleging violations of his rights under the Constitution or laws of the United States. (Docs. 1 & 12). On February 10, 2022, the Magistrate Judge entered a report recommending that the court deny the defendants' motion to dismiss under 42 U.S.C. § 1997e(a) based on Tucker's failure to exhaust administrative remedies but grant the defendants' motion for summary judgment. (Doc. 24).

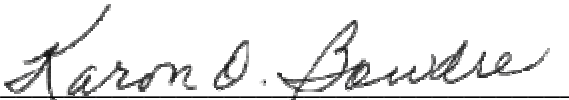
The Clerk mailed the report and recommendation to Tucker at Staton Correctional Facility's post office box. After the mailing was returned as undeliverable, (Doc. 25), the Clerk mailed another copy of the report and recommendation to Tucker at Staton Correctional Facility's physical address. Because Tucker did not receive the report and recommendation in sufficient time to file timely objections, the Magistrate Judge extended Tucker's deadline for filing

objections to February 21, 2022. (Doc. 26 at 2). The court has not received objections within the prescribed time.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the Magistrate Judge's report and **ACCEPTS** his recommendation. Accordingly, the defendants' motion to dismiss under 42 U.S.C. § 1997e(a) based on Tucker's failure to exhaust administrative remedies is due to be denied. The defendants' motion for summary judgment is due to be granted, the court finding no genuine issues of material fact exist.

The court will enter a separate Final Judgment.

DONE and ORDERED this 8th day of March, 2022.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE